



CITY OF MEMPHIS

COUNCIL AGENDA

August 17, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (August 3, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 15, Article I, Section 15-26.1 (Dumpster Regulation) and Article II, Section 15-42 (Designating Special Officer), Code of Ordinances, City of Memphis to authorize the issuance of citations by the Division of Public Works for violations of Section 15-26.1 and to authorize the Director of Public Works to designate special officers for the enforcement of Chapter 15, up for F I R S T reading.

Taylor

Ordinance No. 5074

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

2. **ORDINANCE** to amend Chapter 20, Article I, Section 20-26, Code of Ordinances, City of Memphis to authorize the issuance of citations by the Division of Public Works for violations of Section 20-26 (Public Property Defacing), up for S E C O N D reading.

Hooks

Ordinance No. 5073

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

(none)

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING (none)

NOTATION FROM OPD

3. **NOTATION** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 04-208

Located on the east side of Laurie Lane; beginning 114.53 feet north of Brantford Road, containing 0.28 acre in the Single Family Residential (R-S10) District

Applicant: Margolin Hebrew Academy
Ronald Harkavy – Representative

Request: Student Dormitory

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: September 7, 2004

FISCAL CONSENT

DIVISION OF GENERAL SERVICES

4. RESOLUTION accepting an offer to purchase City owned property located on the northwest corner of Ferguson Road and Warren Road. The property contains 10,698 square feet, more or less. The lot is unimproved. The amount of the offer is \$4,800.00.

Jones

Resolution accepts an offer from Michele Smith to purchase property located in the City of Memphis, County of Shelby, and State of Tennessee and identified by the Shelby County Assessor's Office as Ward 060, Block 166, Parcel 029. This property was acquired by the City of Memphis, for delinquent taxes in Tax Sale#5, Chancery Court Cause #9413-3, as Exhibit #5718, March 29, 1990. Per ordinance, the sale of the subject parcels is NOT subject to the offer laying over for a future Council meeting for an increase of bid. Therefore, Resolution approval shall be deemed as approval of the sale. Resolution also authorizes the Real Estate Bureau to prepare and the Mayor to execute the necessary documents in connection with the conveyance.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

5. RESOLUTION authorizing the sale of City owned vacant lot in the South Memphis Area, located at 152 Kirk (02505700021), to Riverview Kansas Community Development Corporation for the revitalization of the neighborhood. The development of this property will eliminate slum and blight and create single family housing. The sales price is \$1.00 (One-Dollar).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION authorizing the sale of City owned vacant lot in the South Memphis Area, located at 231 Kirk (035005500009), to Riverview Kansas Community Development Corporation for the revitalization of the neighborhood. The development of this property will eliminate slum and blight and create single family housing. The sales price is \$1.00 (One-Dollar).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION authorizing the sale of City owned vacant lot in the South Memphis Area, located at 2084 Benford (05001200022) to Riverview Kansas Community Development Corporation for the revitalization of the neighborhood. The development of this property will eliminate slum and blight and create single family housing. The sales price is \$1.00 (One-Dollar).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION authorizing the sale of City owned vacant lot in the Cooper Young Area, located at 979 Seattle, to Cooper Young Development Corporation for the revitalization of the neighborhood. The development of this property will eliminate slum and blight and create single family housing. The sales price is \$1.00. Cooper Young Development Corporation will pay any outstanding property taxes,

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION authorizing the sale of City owned vacant lot in the South Memphis Area, located at 188 Holland (05004900024), to Willie Holland for the revitalization of the neighborhood. The development of this property will eliminate slum and blight and create single family housing. The sales price is \$300.00.

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION authorizing the sale of City owned vacant lot, located at 1421 Englewood (02604200012), to Taylor J. McNeal for the Reconstruction/Replacement of a New Home. The development of this property will eliminate slum and blight and create single family housing. The sales price is \$1.00. Taylor J. McNeal will pay any outstanding property taxes.

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution



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Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

11. RESOLUTION honoring Willie Mitchell (Held from 7/20).
Peete

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES - THIRD AND FINAL READING

12. ORDINANCE to amend the City of Memphis, Code of Ordinances, Chapter 33, so as to create the Mary's Creek Special Sewer Service Area, up for T H I R D and F I N A L reading.
Hooks Ordinance No. 5070

ACTION REQUESTED: Take whatever action Council deems advisable

13. REFERENDUM ORDINANCE to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, and the Acts of 1915, Chapter 408, as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) so as to authorize the levy and collection of an additional Privilege Tax and/or fee on the privilege of engaging in certain vocations, occupations, callings and employment related activities within the City and to authorize the use of revenue derived therefrom and for budget expenditures for Fire, Police, Memphis City Schools and for corresponding reductions of Ad Valorem Taxes for expenditures made from such revenues and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first general state election to be held November 2, 2004, up for T H I R D and F I N A L reading.
Marshall Ordinance No. 5072

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

14. RESOLUTION including Zoo Major Maintenance, CIP Project Number PK09002, as part of the FY 2005 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation. The resolution seeks to appropriate \$225,000.00 in construction funds funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION including Zoo N.W. Passage, CIP Project Number PK09003 as part of the FY 2005 Capital Improvement Program. The City of Memphis has entered into a construction agreement with the Memphis Zoological Society for the design and the construction of the N.W. Passage Exhibit. Council has allocated \$1,250,000.00 for PK09003, Zoo N.W. Passage. Resolution seeks to appropriate \$1,250,000.00 in construction funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION including M.L. King Park CIP Project Number PK005, as part of the FY 2005 Capital Improvement Program. Two bids were received on July 2, 2004 for Dredging Riverside Park Marina with the lowest and best complying bidder being the firm of Great Lakesdredge and Dock Company in the amount of \$453,000.00. A contingency amount of \$36,000.00 added to the bid amount of \$453,000.00 makes this appropriation request a total of \$489,000.00 funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION amending the FY 2005 CIP Budget by transferring an \$8, 444.00 allocation and appropriation from Architect Engineering to Construction and an allocation and appropriation of \$82,800.00 from Architect Engineering to Fixtures and Equipment. Resolution also appropriates \$488,000.00 in Construction, for a total of \$579,244.00 funded by G.O. Bonds General for Pink Palace Renovation, CIP Project PK08003.

McCormick

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION amending the Fiscal Year 2005 Capital Improvement Budget by transferring an allocation in the amount of \$4,130.00 from PK07073 Malone Park Improvements, A/E, to PK07073, Construction. Furthermore, resolution appropriates \$99,130.00 in PK07073, Construction, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION approving completion of plans and specifications for Rozelle Annesdale Park, located at Rozelle Street and Nelson Avenue, CIP Project Number PK07074, at an estimated amount of \$330,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)**DIVISION OF PUBLIC SERVICES**

20. RESOLUTION approving the appropriation of \$125,000.00 for the purchase of a patient information management system for the Memphis and Shelby County Health Department's (The Health Loop) Primary Care Clinics.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

21. RESOLUTION appropriating \$250,000.00 in G.O. Bonds for Downtown Public Improvements project number PW01044 for construction of Peabody Place Element E and improvements to Court Square to restore the fountain and replace landscaping and for a new irrigation system and new lighting.

Taylor

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$1,177,286.00 in G.O. Bonds from Drainage project number PW03006 to Gayoso Drainage District project number PW03052 for a construction contract with Pressure Concrete.

Taylor

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$38,736.00 in G.O. Bonds from Drainage project number PW03006 to Ridgeway Drainage District 1368 W. Crestwood Drive project number PW03061 for a construction contract with Dixieland Contractors.

Taylor

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION amending the FY05 Capital Improvement Budget by transferring an allocation of \$30,000.00 in Architect Engineering to Other Project Cost and appropriating \$795,000.00 in Other Project cost for the continued implementation of Urban Art, CIP Project Number EN01003, funded by G.O. Bonds General.

Taylor

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$255,519.00 in G. O. Bond Funds from Minor Street project number PW01039 to Sweetbriar Road at Briarcrest project number PW01095 for construction contract with Ferrell Paving.

Taylor

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION appropriating \$147,500.00 in G. O. Bonds in Street Lighting project number PW01093 with the resulting appropriation being charged to the FY 2005 Capital Improvement Budget.

Taylor

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

27. **ORDINANCE** rezoning \pm 308 feet west of Buckeye Road; \pm 810 feet north of Rocky Point Road, containing 2.152 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5071
Case No. Z 04-123
(Companion Case: S04-029)

Applicant: David Miller
Michael J. Fahy, Prime Development Group – Representative

Request: Singe Family Residential (RS-6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

39 NOTICES MAILED ON AUGUST 6, 2004

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

28. RESOLUTION approving an appeal located on the west side of Buckeye Road, beginning 553 feet south of Macon Road, in the Single Family Residence/Agricultural (AG) District.(Held from 7/20).

Peete

Case No. S 04-029
(Companion Case: Z 04-123)

Appellant: Amy and Roger Langston

Request: Appeal of Land Use Control Board's approval of 13 Lot Preliminary Plat to a maximum of 7 lots with no thru street

LUCB and OPD recommendation: APPROVAL, with conditions of 12 lots with thru street

ACTION REQUESTED: Take whatever action Council deems advisable

18 NOTICES MAILED ON AUGUST 6, 2004

29. RESOLUTION approving a planned development located on the south side of Walnut Grove Road; +2,649.94 feet west of Houston Levee Road, containing 48.90 acres in the Agricultural (AG), Agricultural Flood Plain (AG{FP}), and Floodway (FW) District.

Peete

Case No. PD 04-325cc

Applicant: Jeffrey L. Bronze
Ronald Harkavy, Attorney – Representative

Request: A planned development to permit 131 single family detached lots with minimum lot size of 6,000 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON AUGUST 6, 2004

30. RESOLUTION approving a planned development located on the north side of Raleigh-LaGrange Road ±575 feet east of Barbara Lane, containing 62.09 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-330cc

Applicant: Boyle Investment Company
Davis Engineering Company, Inc. – Representative

Request: Single-family residential use – 16 lots with access from a private drive and a minimum lot size of 2.75 acres

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

77 NOTICES MAILED ON AUGUST 6, 2004

31. RESOLUTION approving a planned development located on the north side of Holmes Road; +5,303 feet east of Hacks Cross Road, containing 30 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-331cc

Applicant: Chapel Ridge Partners
E.D.S., Inc. – Representative

Request: A planned development to permit 45 single family detached lots with a minimum lot size of 16,500 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

65 NOTICES MAILED ON AUGUST 6, 2004

32. RESOLUTION approving a planned development located on the west side of Appling Road; +/- 720 feet south of Goodlett Farms Parkway, currently governed by Appling Commons Planned Development (P.D. 97-345cc).

Peete

Case No. PD 04-334cc

Applicant: Kemmons Wilson, Inc.
Dalhoff-Thomas-Daws, Gary Barta – Representative

Request: Planned development amendment to create Area 'E' to permit thirty-two (32) townhouse dwelling units and one (1) duplex dwelling unit within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

12 NOTICES MAILED ON AUGUST 6, 2004

33. RESOLUTION approving a planned development located on the north side of Park Avenue; +345 feet west of Perkins road, containing 2.43 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 04-335

Applicant: John Gallina
Davis Engineering Company – Representative

Request: A planned development to permit 9 single family detached lots, minimum lot size of 5,997 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

34 NOTICES MAILED ON AUGUST 6, 2004

34. RESOLUTION approving a planned development located on the west side of Whitten Road; +443.63 feet south of centerline of Reese Road, containing 3.0 acres and is governed by the conditions for Parcel 3 A of the Whitten Grove Planned Development (P.D. 980354cc).

Peete

Case No. PD 04-337

Applicant: Dunbar, Pearce, & Holly

Request: Create a Parcel 3B to be regulated by the Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

54 NOTICES MAILED ON AUGUST 6, 2004

35. RESOLUTION approving a street/alley closure located south of Avery Avenue and north of Central Avenue; between Hollywood Street and Oakdale Avenue, containing 7,069 square feet, 589’(feet) X 12’(feet) in the Single Family Residential (R-S6) District.
Peete Case No. SAC 04-610

Applicant: Boys Scouts of America
Jeff Buck – Representative

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

26 NOTICES MAILED ON AUGUST 6, 2004

36. RESOLUTION approving a use variance located on the southeast side of Channel 3 Drive, containing 4.045 acres in Riverside Residential.
Peete Case No. UV 04-07

Applicant: WREG TV/Radio
Buckner Wellford – Representative

Request: Heliport

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

16 NOTICES MAILED ON AUGUST 6, 2004

GENERAL ITEM

ADJOURNMENT